

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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S [REDACTED] S [REDACTED] by his Legal Guardian, VANESSA  
SAMPLE HALLS,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE  
DEPARTMENT, NYPD POLICE OFFICER JOSEPH  
TALLARINE,

Defendants.  
-----X

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISMISSAL**

CV 01 5131 (ILG)(RML)

**WHEREAS**, plaintiff commenced this action by filing a complaint on or about  
August 2, 2001, alleging violations of his constitutional rights and pendent state claims; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's  
allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation,  
without further proceedings and without admitting any fault or liability; and

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and  
without costs, expenses, or fees in excess of the amounts specified in paragraphs "2" and "3"  
below.

2. Defendant City of New York hereby agrees to pay plaintiff the sum of  
Forty Seven Thousand Five Hundred (\$47,500.00) Dollars in full satisfaction of all claims,  
including claims for costs, expenses and attorney fees. In consideration for the payment of this  
sum, plaintiff agrees to dismissal of all the claims against the City of New York and the New

York City Police Department and to release all defendants, any present or former employees or agents of the City of New York and the New York City Police Department, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Defendant Police Officer Joseph Tallarine hereby agrees to pay plaintiff the sum of Two Thousand Five Hundred (\$2,500.00) Dollars in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendant Police Officer Joseph Tallarine and agrees to release defendant Police Officer Joseph Tallarine from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

4. In consideration for the payment of the sum in paragraph "2" to plaintiff by defendant City of New York, defendant Police Officer Joseph Tallarine agrees to release defendant City of New York and any present or former employees or agents of the City of New York, from any and all liability, claims and cross-claims, or rights of action arising from this action including claims for costs, expenses and attorney fees.

5. Plaintiff shall execute and deliver to defendant City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

6. Plaintiff shall execute and deliver to defendant Police Officer Joseph Tallarine's attorneys all documents necessary to effect this settlement, including, without limitation, a Release based on the terms of paragraph 3 above.

7. Defendant Police Officer Joseph Tallarine shall execute and deliver to defendant City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a Release based on the terms of paragraph 4 above.

8. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

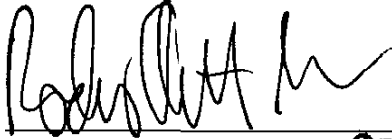
9. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

10. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

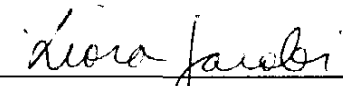
matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
October 27, 2003

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By:   
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(212) 964-8038

By: \_\_\_\_\_  
JOHN BURNS [JB ]

SO ORDERED:

U.S.D.J. \_\_\_\_\_ 11/26/03

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Dated: New York, New York  
October 27, 2003

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By:   
JOHN BURNS [JB1072]

SO ORDERED:

\_\_\_\_\_  
U.S.D.J.

11/26/03